



Board Summary Report

Date: October 18, 2017 **Meeting Date:** October 30, 2017

To: Board of County Commissioners

Through: Jan Yeckes, Planning Division Manager
Julio Iturreria, Long Range Planning Program Manager

From: Alan White, Planning Project Specialist

Subject: Comprehensive Plan Update Status Report

Direction Requested/Information

Staff is presenting updated information to the BOCC following the receipt of referral agency comments, as request by the Board. While no specific direction is requested at this time, staff invites additional comments from the County Commissioners during the public review period. If the BOCC chooses to provide direction to staff during the October 30 study session, that information can be addressed through an update to the public review draft as we move forward to prepare a public hearing draft or, if more appropriate, as an update to the posted public review draft.

Purpose – Update Moving into Public Review Period

Staff is presenting the Board with a summary of the key concepts of the Comprehensive Plan draft as it stands after incorporating referral agency and Planning Commission comments. By the date of the study session, the Commissioners will receive an updated draft of the plan document showing what is retained from the 2001 Plan and what has been added in the 2017 update (purple font). While this is not a “red-lined” document due to changes in the arrangement of information from the currently adopted plan to the proposed updated plan, the colored font indicates significant changes from, or additions to, the 2001 plan.

The Planning Commission held its final study session on October 17, 2017. General direction from the Planning Commission during its study sessions has been addressed by staff in preparing a public review draft to be posted to the County’s web site. The final study session included a discussion with a representative of the Colorado Oil and Gas Association (COGA). The Planning Commission has requested that COGA and the Colorado Oil and Gas Conservation Commission (COGCC) be invited to comment as referral agencies during the public review period, as they were not included on the original agency referral list.

Background

The 2017 update to the Comprehensive Plan utilizes the principles and planning concepts from the 2001 Plan and the “Tier Concept” adopted in 2012 to provide the foundation for the Development Framework being proposed in the update to guide future development, principally in the eastern I-70 Corridor (explained further under *Key Concepts and Major Changes*, below).

Links to Align Arapahoe

- Quality of Life
 - Foster Safe Communities
 - Foster a Healthier and Vibrant County
- Fiscal Responsibility
 - Improve the County's Economic Environment
 - Improve County Efficiencies

Discussion

The organization of the 2017 updated Comprehensive Plan remains essentially the same as the 2001 Plan, with minor changes to combine previous sections that are related, as follows:

- **Neighborhood Livability** combines Neighborhoods/Housing with Open Space, Parks and Trails
- **Economic Health** combines Employment and Commercial Development with Fiscal and Economic Impacts.

Key Concepts and Major Changes**Development Framework/Terminology**

The Development Framework builds off the Tier Concept adopted in 2012 and recognizes the “sub-area plan” planning areas adopted since 2001; otherwise, no changes to the individual sub-area plans are proposed at this time. Terminology has changed from the 2001 Plan and the 2012 Amendment. The Development Framework identifies seven basic land use areas:

- **Designated Growth Areas** – These are the same areas identified in the 2001 Plan.
 - **Urban Area*** (formerly, Urban Service Area). This area now includes the Sky Ranch and Prosper developments.
 - **Rural Town Center Planning Areas** (formerly, Eastern Communities). Sub-area Plans have been adopted for Strasburg and Byers since 2001, and the 2017 Update recognizes these planning areas.
 - **Incorporated Cities and Towns**

The ***Four Square Mile Sub-area Plan** planning area is identified and is included in the **Urban Area**. The 2017 Plan defers to the Four Square Mile Sub-area Plan to address future land uses and other development concerns in the sub-area.

- **Rural Area**
 - **Tiers 1 and 2** (concept adopted in 2012)
 - **Tier 3** (concept adopted in 2012) The Lowry Range Sub-area Plan planning area is illustrated on the Development Framework Map, and the 2017 Plan defers to the Sub-area Plan to address land use and development issues for this area of the County.
 - **Urban Reserve** (formerly designated as Planning Reserve).
 - **Regional Waste Disposal Site** (Shown as a Public Facility in 2001 Plan)

The Framework directs growth to the Urban Area, Rural Town Centers, and incorporated cities and towns, same as the 2001 Plan. Annexation is recognized as a beneficial way to accommodate growth. Policies and strategies concerning annexations are carried over from the 2001 Plan. The 2017 Plan, however, contains new strategies to address the annexation of enclaves. While County departments,

including Public Works and Development, are working on a process to further evaluate policy in relation to annexations, this work is anticipated to take longer than the timeframe to adopt the updated Comprehensive Plan. For that reason, the BOCC provided direction at the June 26 drop-in meeting to move forward with the currently proposed policies and strategies related to annexation.

A new section addresses Tiers 1 and 2 since these were not included in the 2001 Plan. Included in Tier 1 is the Urban Reserve, an area reserved for future growth. This reserve has increased in size by approximately 14 square miles from the 2012 Amendment and includes six square miles adjacent to Watkins Road not included in the 2012 Amendment. The City of Aurora and the Town of Bennett are likely to annex portions of the Urban Reserve in the future.

Tier 1 land uses today are primarily rural residential with small agricultural operations, and these land uses will remain under the 2017 Plan. Tier 2 remains rural except for Strasburg (designated sub-area planning boundary), Byers (designated sub-area planning boundary) and the incorporated Town of Deer Trail. The remainder of the unincorporated County (Tier 3) east of Aurora Reservoir to Deer Trail and east of Deer Trail, remains rural with agricultural activities preserved. Preserving the rural and agricultural character of the eastern portion of the County is a goal carried over from the 2001 Plan.

Goals, Policies and Strategies – Overall goals remain essentially the same as the 2001 Plan. Policies and strategies have been added or modified based on the Development Framework. New topics addressed, or addressed in more detail, in the 2017 Update are listed below:

- Hazard areas
- Renewable water supplies and water conservation
- Stormwater and water quality
- Healthy communities
 - Access to recreation opportunities, alternative travel modes, healthy food choices, and cultural resources
 - Creation of gathering places
 - Bike/pedestrian system connectivity (note: the Planning Commission has also adopted the recently approved Bicycle and Pedestrian Plan into the Comprehensive Plan by reference, as previously done with the Transportation Master Plan and Open Spaces Master Plan in 2010)
 - Neighborhood and public facility design to accommodate persons of all ages, incomes and abilities
- Integration of open space, parks and trails
- Economic Development and Tourism
- Emphasis on continuity and connectivity in the transportation network, especially bicycle/pedestrian connections to transit
- Sustainability and sustainable development, including alternative energy development
- Cultural resources preservation
- Mineral resource extraction
- Waste disposal

Referral Comment Summary

Of over 100 referral agencies contacted requesting comments on the draft of the Comprehensive Plan update, comments were received from ten outside agencies and two internal departments/divisions (other than Public

Works and Development). Most of the comments received were minor in nature and were offered to clarify or expand the scope of a policy or strategy, or to correct terminology or the scope of current regulations.

Comments were received in support of the many policies and strategies dealing with water and energy conservation, preserving floodplains and riparian areas, integrating hazard mitigation into the planning process, stressing neighborhood designs that contribute to healthy communities, encouraging a range of housing types consistent with plans and studies of the Community Resources Department, stressing mobility and connectivity, and developing a multi-modal transportation system. Positive comments and support were provided by CDOT, Tri-County Health Department, Urban Drainage, SEMSWA, South Metro Fire and Rescue, the City of Centennial, Arapahoe County Community Resources (Housing), the Arapahoe County Facilities and Fleet Department, and the Office of Emergency Management of the Arapahoe County Sheriff's Office.

One comment questioning the extent of the Urban Reserve came from the City of Aurora. Fourteen square miles of the Urban Reserve was included in Aurora's recently adopted planning/annexation boundary that includes over 60 square miles beyond Aurora's current boundary in Arapahoe County. The remainder of the Urban Reserve is located in the Town of Bennett's Area of Planning Influence and is shown in their Comprehensive Plan to be a priority area for annexation. Staff would note that, regardless of future annexation potential, the County must plan for its currently unincorporated areas, but also appreciates the opportunity to coordinate with neighboring jurisdictions for future planning.

Attachment A to the BSR contains a summary of comments received and responses to those comments. In addition, a list of the referral agencies invited to comment and copies of the actual comment letters and email messages are forwarded as information for the BOCC. As noted previously, additional outreach will occur with the COGCC and COGA as referral agencies during the public review period for the proposed updated plan.

Fiscal Impact

The Goals, Policies and Strategies included in the Comprehensive Plan are intended to increase economic development, lower costs of providing facilities and services, ensure development pays its own way, and generally promote fiscal sustainability for the County. Proposed sustainability and energy conservation strategies, implemented over time, could lower the cost of County operations. Some of these are outside the control of Public Works and Development and the Planning Commission, but are included to identify how the County is participating, along with private development, to provide for the safety and welfare of county citizens and to contribute to the built environment, and how that environment operates, in a positive way. Positive comments were received from the County Facilities and Fleet Management Director.

Concurrence/Reviewed By

A referral draft of the Plan has been circulated for review and comment to internal PWD divisions (Planning, Transportation/Capital Improvements Planning, and Engineering Services), ACSO (Office of Emergency Management), Community Resources Department (Housing, Aging Services), Facilities and Fleet Management Department, Open Spaces Department, and Tri-County Health Department.

- Alan White, Planning Project Specialist
- Julio Iturreria, Long Range Planning Program Manager
- Jason Reynolds, Current Planning Program Manager
- Jan Yeckes, Planning Division Manager
- Dave Schmit, Public Works and Development Director
- Todd Weaver, Finance Department
- Bob Hill, Senior Assistant County Attorney

ATTACHMENT A REFERRAL COMMENTS AND RESPONSES

City of Aurora

- Concern about urban development beyond the DRCOG Urban Area boundary and beyond existing urban development. Both the City and County signed the Mile High Compact, pledging to promote compact urban development. Requests the County to evaluate extent of the Urban Reserve.

Response: No changes made to map. Aurora recently adopted a Comprehensive Plan amendment that expanded the planning/annexation area for its Comprehensive Plan, which includes over 60 square miles and extends from roughly Hayesmount Road east to Quail Run Road and as far east as Schumaker Road adjacent to I-70. The new Aurora planning area includes approximately half of the Urban Reserve and includes all of the Urban Development Area shown in the Lowry Range Sub-area Plan. Urban Reserve not included in Aurora's new planning/annexation area is included in the Town of Bennett's "Area of Planning Influence" and is indicated as a priority area for annexation. The extent of the Urban Reserve designation is consistent with the plans of Aurora and Bennett.

- Question about public input opportunities.

Response: Once Planning Commission review is complete, a public review draft will be available online for comment. Press releases will announce the availability of the Plan for comment. A public hearing will be held to adopt the Plan at which public comment will be invited. This Plan is an update to the 2001 Plan that included extensive public meetings. The 2017 Update does not deviate substantially from the direction established in the 2001 Plan and subsequent amendments (including sub-area plans). For these reasons, an extensive public engagement process for this Update is not being pursued.

- Request to include Aurora sub-area transportation plans in the list of transportation plans and studies the County has prepared or participated in.

Response: This request is better accommodated in the update to the County Transportation Plan anticipated in 2018.

- Comment on the readability of maps: inconsistent styles and elements.

Response: Staff will attempt to standardize map formats and contents.

City of Centennial

- Comment appreciating the language encouraging annexations and intergovernmental cooperation and the potential use of incentives to annex enclaves.

Response: Much of this language is retained from the 2001 Plan. The strategy of potentially offering incentives to annex enclaves is new.

- Comment supporting concepts of the Neighborhood Livability section. Suggests adding language noting the changing character of the County's population.

Response: Added language to consider an aging population in new development and redevelopment efforts.

- Comment concurring with many of the statements in the Public Facilities and Services section dealing with water supply; the strategy to require water supply information in the annexation impact report exceeds the County's authority.

Response: Revised strategy to "request" information instead of "require" information.

- Comments supporting an average density of 4 d.u.'s in urban areas and higher densities in appropriate mixed-use areas, use of utility easements for trails, additional funding for a countywide trail network, the creation of a County Economic Development department, the redevelopment of strip commercial centers, and the acknowledgement of new technology in transportation systems (autonomous vehicles). Suggested a strategy to address drop-off areas and reduced parking areas.

Response: Added drop-off areas to the strategy to revise site design standards, which already included reduced parking areas.

Southeast Metro Stormwater Authority (SEMSWA)

- Several comments relating to the County's floodplain regulations, mainly suggesting minor corrections to information presented.

Response: These corrections have been made. PWD Engineering Services concurred with SEMSWA's comments.

- Comment about floodplains shown on various maps in the Plan being only FEMA mapped floodplains. Other floodplains have been identified, but are not on the maps.

Response: With concurrence of Engineering Services, maps will contain a note that not all floodplains are shown. The definition of "floodplain" in the Glossary also notes that floodplains may be mapped or unmapped. Text of the Plan notes that not all floodplains are shown on maps, but the County's floodplain regulations regulate these floodplains nonetheless. Engineering Services agreed with including these changes.

- Comment regarding the roles of SEMSWA and Urban Drainage.

Response: This clarification has been made. Engineering Services concurred.

- Comment suggesting including the principle behind the County's floodplain regulations.

Response: A paragraph has been added to describe the principle of preservation for the primary purpose of conveying floodwaters. Engineering Services agreed with this additional language being included.

- Comment to add SEMSWA as an agency providing services in Appendix B and include a map of its jurisdictional limits.

Response: SEMSWA has been included in Appendix B. A map has not been included as Engineering Services and Planning think this is unnecessary.

- Question concerning the proposed 1,000-foot setback from floodplains and water bodies; is this an example or a recommendation?

Response: It is recommended to consider 1,000 feet when establishing regulations. (See Urban Drainage response below.)

Engineering Services Division of Public Works and Development Department

(The Division provided comments and responses to the comments of SEMSWA and Urban Drainage. The Division's recommendations are included in the responses to these two agencies' comments.)

Facilities and Fleet Department of Arapahoe County Government

- Fully supportive of the strategies and policies dealing with water and energy conservation at County facilities and with the County's fleets. Already implementing several measures to reduce energy consumption, utilize alternative energy sources and evaluating alternative fuel vehicles.

Response: Changed the wording of many of the strategies to "should consider" or "should" since the Planning Division is not directly responsible for implementing these strategies.

Urban Drainage

- In addition to restricting development in the 100-year floodplain, consider identifying natural stream corridors and restricting development in these areas.

Response: The Plan contains a strategy to consider establishing setbacks adjacent to streams and other water bodies, beyond the 100-year floodplain. 1,000 feet is suggested. Engineering Services is concerned with proposing 1,000 feet. The language was changed to suggest 1,000 feet (as a starting point in developing any regulations), but the strategy has been modified to read: The County will consider establishing setbacks for floodplains and natural water bodies to direct residential, commercial, and industrial development, as well as public facilities and utilities, away from Riparian Areas. Setback widths will depend on the quality, or priority, of Riparian Areas, the upstream drainage area, and the density of development. Consideration should be given to establishing a setback of 1,000 feet.

- Supports efforts to manage runoff in watersheds.

Response: The Plan contains several policies addressing stormwater management and the preparation of additional floodplain hazard areas delineation studies and drainage basin master plans. Engineering Services agrees with this recommendation.

South Metro Fire and Rescue (SMFR)

[Note: Many of South Metro's comments were related to wildfires and responses to emergencies. Their comments were reviewed in a joint meeting with the Arapahoe County Office of Emergency Management (OEM)]

- Recommendation for the County to adopt a wildland urban interface model in the Comprehensive Plan.

Response: SMFR and OEM agreed that the wildland urban interface model should be included in the Multi-Hazard Mitigation Plan when it is updated.

- Comment regarding oil and gas operations and any regulations that may be proposed. SMFR wants to be included in the review of any oil and gas applications.

Response: All fire districts should be included in developing any regulations in order to address their concerns and needs, and OEM should be involved as well. Fire districts are currently included in the referral process for oil and gas applications.

- Comments concerning water supply and water conservation strategies.

Response: A strategy has been added to work with fire districts to identify code provisions to adopt or modify that will aid in efforts to efficiently use and conserve water. The policy requiring an adequate water supply has been modified to include fire flow.

- Comment regarding expectations of the District in any expedited review process.

Response: One strategy that might be considered to encourage water conservation in developments and site development includes expediting those reviews. The strategy has been modified to "work with special districts and review agencies to establish procedures for expedited permitting if this strategy is considered."

- Comment expressing concern about establishing performance standards for fire districts. SMFR already has stringent standards for personnel, response times and code compliance.

Response: This is a carry-over strategy from the 2001 Plan. The strategy has been revised to focus on working with the rural districts to develop standards for response times, fire flows and other standards.

- Comment about strategy of not approving development in areas with inadequate law enforcement service. What about fire protection? A related concern was denying development in areas not covered by a fire district.

Response: The strategy has been modified to read: Adequate law enforcement service, including adequate access and response time, and adequate fire/EMS protection will be required of new development. The other strategy has been modified to read: An adequate level of fire protection will be a crucial requirement in approving any permits or development applications located in areas not included in a fire protection district. Protection by an adjacent fire district through inclusion in the district or by agreement may satisfy this requirement. Absent such inclusion or agreement, the County may consider the approval of uses with a low fire risk. A low fire risk definition, agreed upon by SMFR and OEM, has been included.

- Comment about the County adopting the International Fire Code Countywide. SMFR would prefer the existing process whereby each district adopts the code with amendments, which in turn is adopted by the County Commissioners.

Response: This strategy is proposed to create consistent requirements for building permits in the unincorporated portions of the County. OEM noted that another reason to adopt the code Countywide is that many of the rural districts don't adopt the code and the County has limited authority to enforce bans on certain activities. The strategy has been modified to indicate adoption Countywide is preferred, but

individual districts adopting the code with amendments followed by adoption by the County is an acceptable alternative.

- Comment acknowledging the ability to harvest rainwater for various uses, including fire suppression, but wants District review and approval.

Response: This strategy was included mainly for rural areas. Upon further review of the strategy, the amount of rainwater that can be harvested legally by a homeowner is minimal when fire suppression is concerned. The strategy has been revised to encourage harvesting to meet some demand for outdoor usage.

A strategy has been added which reads:

Require Fire Suppression Features in Rural Development

With concurrence of the fire districts in the eastern portion of the County, the County will amend the Land Development Code to require fire suppression features, such as cisterns or ponds, in rural developments.

- Comment regarding information about the District Provided in Appendix B.

Response: This information was updated based on the information provided by SMFR.

Colorado Department of Transportation

- Comment recommending the 2035 Transportation Master Plan be updated. Additional comments about the impacts of Aerotropolis and the City of Aurora Northeast Area Transportation Study (NEATS) update. "Next Steps" should include some acknowledgement of a collaborative planning process for the I-70 corridor.

Response: A strategy is included to update the 2035 Transportation Plan; at a minimum looking at the future roadway network in Tier 1. The update should consider the impacts of Aerotropolis and Aurora's NEATS study.

- Suggestion to expand sections dealing with utilities to recognize roadways and utilities can occupy the same corridors. A more extensive road network is needed to accommodate growth.

Response: Based on projections in the 2035 Transportation Plan, the proposed road network can adequately accommodate growth anticipated in the Urban Area, with the exception of 6th Avenue. If growth occurs in the Urban Reserve, a more extensive road network is needed. This is why an update to the 2035 Transportation Plan is included as a strategy.

- Comment about policy regarding growth paying capital and operational costs – revise strategy to include the use of impact fees for roads in previously approved developments.

Response: No change. This is implied in the strategy concerning impact fees.

- Comment supporting many of the strategies dealing with mobility and connectivity.

Response: None.

- Comment on section dealing with autonomous vehicles -- the strategy to amend parking requirements is premature until autonomous vehicles are more prevalent.

Response: Agree. The strategy has been revised to amend parking regulations when warranted.

- Comment about strategy of reserving right-of-way for future development, that sometimes off-site improvements are needed to accommodate additional traffic. This should be included in the strategy.

Response: The strategy has been revised to include the addition of off-site improvements if warranted by new development.

- County should be the facilitator between local jurisdictions when issues of road connections, pavement sections, stormwater drainage and other issues cross jurisdictional boundaries. Supports efforts to create partnerships to address these issues.

Response: The County actively participates in transportation facility studies and plans with other jurisdictions. A policy or strategy calling for coordinated transportation planning and street connectivity between jurisdictions is included in the Plan.

Xcel Energy

- Comment to include electric utilities in introductory paragraph to the Growth Management section and again in the strategy requiring a full range of services in new development in Rural Town Centers.

Response: Mentioning only electric utilities is too limiting; language was revised to include "all utilities."

- Several questions about the processes for reviewing and approving local and regional utility facilities.

Response: The required process depends upon the scope of the utility installation: Use by Special Review, 1041 Permit, or Location and Extent hearing. These processes have been added to the Strategies.

- Comment on policy requiring adequate facilities at the time of development and if Xcel will be part of that process.

Response: Xcel's input will be obtained through the development application referral process. This is the current practice.

- Comment to include compatibility with existing distribution/collection lines in strategy for developing standards for Regional Facility Facilities.

Response: This additional standard has been included in the strategy.

- Clarify that the developer is responsible for burying local utility lines in new development.

Response: This clarification has been made.

- Suggestion to include "undergrounding new and existing local distribution lines" in the policy requiring new development to pay capital and operational costs of services and infrastructure.

Response: No change made. This is too much detail for this policy statement.

Xcel/PSCo

- Comment from Public Service Company that they have no objection to the proposed comprehensive plan, contingent upon PSCo's ability to maintain all existing rights and this plan should not hinder their ability for future expansion, including all present and any future accommodations for natural gas transmission and electric transmission related facilities.

Response: The Plan does not hinder the ability of PSCo to expand gas and electric utilities in the County, subject to the required review process.

Tri-County Health Department

- General comments include good job of aligning the Plan with goals of other regional and local plans; integrating previous analysis by TCHD on health planning into the Plan; consider stronger language in the Plan (consider is used a lot); and suggest assigning timeframes and other measures to strategies.

Response: Many of the strategies will require support from the Planning Commission and/or Board of County Commissioners to implement and will depend upon other priorities. Several strategies involve other departments. For these reasons, timelines are not specified, except as indicated as an ongoing, immediate, high, or moderate priority in the Action Plan Matrix (Appendix D).

- Expressed support for Policy on environmental justice; suggested including strategies.

Response: Suggested strategies have been added to the Plan.

- Several comments meant to clarify strategies regarding water reuse, water conservation and graywater systems. Supports strategy to incorporate water saving measures in County facilities and projects.

Response: Suggested corrections and clarifications have been made.

- TCHD wants the County to adopt lot size standard for the use of on-site waste treatment systems (OWTS).

Response: A strategy has been included to amend zoning regulations to require minimum lot sizes for the use of wells in combination with septic systems.

- TCHD supports the policies and strategies encouraging neighborhood design promoting healthy and active living (Neighborhood Livability section), including complete streets, health impact assessments, access to sources of healthy food, increasing public safety, diversity of housing choices including mobile homes, and connecting local trails to the regional system. Several comments to include language to design for people of all ages, incomes and physical abilities.

Response: A paragraph has been added to emphasize the importance of planning and accommodating an aging population. Policies and strategies have been modified to include people of all ages, incomes and physical abilities.

- TCDH supports economic development strategies for the rural area (agri-tainment and agri-tourism uses), but is concerned about health and environmental impacts of these uses.

Response: Some of these agri-tainment and agri-tourism uses are uses by right; others are uses by special review. TCHD is included in the referral process for approvals on a case-by-case basis.

- TCHD expressed support for goals and policies focusing on developing a multi-modal transportation system.

Response: None.

- Provided a clarification of responsible management entity and TCHD's role in septic system management.

Response: These clarifications have been made.

Denver Regional Council of Governments

- DRCOG and the State were projecting more population and employment growth than the projection used in the update; approximately 50,000 more people and 20,000 more jobs.

Response: DRCOG does not allocate population and employment beyond the county level. Much of this additional growth could be accommodated in Aurora, Centennial and Greenwood Village. In addition, the Urban Reserve is established exactly for the purpose of accommodating growth that may exceed the projections used in the updated Comprehensive Plan.